

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TB FOOD USA, LLC,

Plaintiff,

v.

Case No. 2:17-cv-9-JES-NPM

AMERICAN PENAEID, INC., and
ROBIN PEARL,

Defendants,

and

AMERICAN MARICULTURE, INC.,

Defendant/
Counterclaimant

v.

PB LEGACY, INC.,

Counterclaim
Defendant.

ORDER

Before the Court are Plaintiff TB Food USA, LLC's motion for attorney's fees and costs and Defendants' motion for an extension of time to respond (Docs. 478, 482). But a judgment has yet to be entered. As such, TB Food's motion is premature. FED. R. CIV. P. 54(d)(2)(B)(i). Moreover, the motion fails to follow the bifurcated procedure for seeking attorney's fees and nontaxable expenses as detailed

in the Court's local rules. *See* M.D. Fla. R. 7.01 ("A party claiming post-judgment attorney's fees and related non-taxable expenses must obtain an order determining entitlement *before providing a supplemental motion on amount.*") (emphasis added). Finally, the motion improperly seeks taxable costs without first presenting them to the Clerk. FED. R. CIV. P. 54(d)(1). Accordingly, Plaintiff's motion for attorney's fees and costs (Doc. 478) is **DENIED WITHOUT PREJUDICE**, and Defendants' motion for an extension of time to respond to the fee motion (Doc. 482) is **DENIED AS MOOT**.

Requests for taxable costs must be made by filing a Bill of Costs (form AO 133) within a reasonable time after the judgment. The parties are directed to confer before filing a Bill of Costs. Parties are also encouraged to mutually resolve any objections to a filed Bill of Costs by filing an amended Bill of Costs and/or Notice of No Objection within 14 days.

ORDERED in Fort Myers, Florida on January 4, 2022.



NICHOLAS P. MIZELL
UNITED STATES MAGISTRATE JUDGE